

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. The Pending Claims

At the outset, it appears that the subject Official Action is directed toward claims that were canceled by virtue of Article 19 amendments during the International Stage. In this regard, the Examiner's attention is directed to the Amended Sheets comprising pages 17-19 of the originally filed specification which included original claims 1-11.¹

Therefore, in order to ensure that the subject matter defined by original claims 1-11 is examined, and to ensure integrity of the official record, claims 1-18 have been canceled and replaced by new claims 19-34. In this regard, new claims 19-33 are based substantively on claims 1-11 as originally filed with the Amended Sheets pursuant to Article 19, however some editorial changes have been made in order to address certain issues that could have arisen under 35 USC §101 and/or 112. Thus, it is believed that all such new claims fully comply with the statutory requirements of 35 USC §§101 and 112.

New claim 34 is based on the original pre-Article 19 claim 5 as indicated to be allowable by the Examiner. As such, it is believed to likewise be allowable at this juncture.

In view of the fact that the subject matter of claims 1-11 as originally presented with the Amended Sheets pursuant to Article 19, any further action deemed necessary by the Examiner following consideration of the remarks below should be "non-final" to afford applicants the right to respond by suitable amendments if needed. However, as

¹ It is noted that the Article 19 amended claims were coded in the USPTO's PAIR system for the subject application as "371P", namely, "Documents submitted with 371 application." Such an innocuous coding that does not identify the document as containing claims as such possibly explains why the Article 19 amended claims were not readily evident to the Examiner when conducting his initial examination.

will become evident from the following discussion, it is not believed that any further substantive action on the merits of the pending claims herein will be required.

2. Response to Art-Based Rejections

Prior claims 1-3 attracted a rejection under 35 USC §102(b) as allegedly anticipated by Teng (USP 3,915,855). Applicants note however that Teng merely discloses a cellulose fatty acid ester sponge which picks up oil and non-polar solvents. No disclosure or suggestion is apparent therein of a filtering medium having the superposed layers as defined by applicants' pending claims herein. As such, Teng does not anticipate the presently claimed invention under 35 USC §102(b).

Claims 1-3 also attracted a rejection based on JP 54-60384 ("JP '384"). Attached is a partial translation of the JP '384 publication which the applicants have obtained. As will be noted, the JP '384 publication appears to disclose first treating cellulose to obtain a cellulosic fiber derivative, and then treating the derivative with fatty acid halide. However, the purpose is to manufacture fatty acid esters, not to make an article water-repellent, though the end result (according to Wikipedia) is in any case more hydrophobic than the starting substances. Thus applicants suggest that the JP '384 publication is no more relevant than Teng discussed above.

The Examiner argues on page 6 of the Office Action that the JP '384 publication teaches floatability of the product. Applicants' translator however has observed that the 'JP '384 publication only says that the "reaction product may appear as a suspension" (the word 'suspension' includes in Japanese language a character that, used alone, means floating). Thus, in fact, the JP '384 publication neither teaches nor suggests the floatability.

On page 8 of the Office Action, the Examiner argues that the fibrous sheet is admixed with activated carbon. Again, the applicants' translator did not find any text in the JP '384 publication that would refer to activated carbon. Also, the JP '384

publication does not mention 'fibrous support'. Thus, for at least these reasons, the JP '384 publication cannot anticipate the presently claimed invention.

Prior claims 1-3 also attracted a rejection under 35 USC §102(b) as allegedly being anticipated by Gordon (USP 4,107,426). Applicants note in this regard, that Gordon discloses a somewhat similar process to make a product water-repellent. However, one major difference between the presently claimed invention and the Gordon process is that, in the Gordon process the treatment substance is applied in vapor form, whereas in the applicants' invention the treatment is performed in liquid state. This leads to the fact that the treatment substances used in the Gordon method and in the applicants' method cannot be the same, as Gordon's vapor treatment temperature varies between 150 – 200⁰C, whereas the applicants' liquid treatment temperature is at least 200⁰C.

Furthermore, Gordon does in fact disclose multi-layer absorbent pads. However, as Gordon's goal is an absorbent pad having one liquid repellent surface, he is silent as to the more detailed structure of the pad. In other words, the pad which Gordon provides does not have activated carbon in any layer, whereas the present applicants' claimed invention has activated carbon in all of its layers.

The discussions above are equally germane to the *unobviousness* of the prior claims based on Teng in view of the JP 53-61582 ("JP '582"). Specifically, as noted above none of the references disclose the utilization of activated carbon in the support. Therefore withdrawal of the rejection advanced against prior claims 4, 7 and 8 under 35 USC §103(a) is also in order.

Early receipt of the Allowance Notice is awaited.

3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100